

REMARKS

Reconsideration of the above-identified patent application in view of the amendments above and the remarks following is respectfully requested.

Claims 1-38 are in this case. Claims 15-37 were withdrawn by the Examiner from consideration as drawn to a non-elected invention. Claims 1, 6-8, 10, 11 and 13 have been rejected under § 102(b). Claims 1, 2, 4-6, 8-11, 13 and 14 have been rejected under § 103(a). Claims 1-3, 9, 10 and 38 have been rejected under the judicially created doctrine of obviousness-type double patenting. Dependent claims 2 and 3 have been canceled. Independent claim 1 and dependent claim 38 have been amended.

The claims before the Examiner are directed toward a window assembly that includes an outer window and an inner window that are mounted in a housing so as to form an intervening space therebetween. The intervening space is occupied by a coolant that is cooled by an appropriate mechanism. The inner surface of the inner window is coated with an optical coating that passes visible and/or infrared light but blocks radio and radar frequencies. Preferably, only that surface is so coated.

§ 102(b) Rejections – Macken ‘953

The Examiner has rejected claims 1, 6-8, 10 and 11 under § 102(b) as being anticipated by Macken, US Patent No. 5,128,953 (henceforth, “Macken ‘953”). The Examiner’s rejection is respectfully traversed.

As described below in the context of the double patenting rejections, the rejection of claim 3 has been overcome by the accompanying terminal disclaimer. Independent claim 1 has been placed in condition for allowance by the inclusion therein of the limitations of claims 2 and 3. Correspondingly, claims 2 and 3 have

been canceled and claim 38 has been amended to depend directly from claim 1. It follows that claims 6-8, 10 and 11, that depend therefrom, also are allowable.

§ 102(b) Rejections – Rosenau, Jr., et al. ‘575

The Examiner has rejected claims 1, 10, 11 and 13 under § 102(b) as being anticipated by Rosenau, Jr., et al., US Patent No. 3,192,575 (henceforth, “Rosenau, Jr., et al. ‘575”). The Examiner’s rejection is respectfully traversed.

As described above, independent claim 1 has been placed in condition for allowance by the inclusion therein of the limitations of claims 2 and 3. It follows that claims 10, 11 and 13, that depend therefrom, also are allowable.

§ 103(a) Rejections – Fisher ‘612 in view of Rosenau, Jr., et al. ‘575

The Examiner has rejected claims 1, 2, 4, 6, 8-11 and 13 under § 103(a) as being unpatentable over Fisher, US Patent No. 5,776,612 (henceforth, “Fisher ‘612”) in view of Rosenau, Jr., et al. ‘575. The Examiner’s rejection is respectfully traversed.

Claim 2 now has been canceled, thereby rendering moot the Examiner’s rejection of this claim.

As described above, independent claim 1 has been placed in condition for allowance by the inclusion therein of the limitations of claims 2 and 3. It follows that claims 4, 6, 8-11 and 13, that depend therefrom, also are allowable.

§ 103(a) Rejections – Fisher ‘612 as modified by Rosenau, Jr., ‘575 and further

in view of Biricik et al. ‘443

The Examiner has rejected claim 5 under § 103(a) as being unpatentable over Fisher ‘612 as modified by Rosenau, Jr., et al. ‘575 and further in view of Biricik et al., US Patent No. 5,173,443. The Examiner’s rejection is respectfully traversed.

As described above, independent claim 1 has been placed in condition for allowance by the inclusion therein of the limitations of claims 2 and 3. It follows that claim 5, that depends therefrom, also is allowable.

§ 103(a) Rejections - Fisher ‘612 as modified by Rosenau, Jr., ‘575 and further in

view of Utreja et al. ‘275

The Examiner has rejected claim 9 under § 103(a) as being unpatentable over Fisher ‘612 as modified by Rosenau, Jr., et al. ‘575 and further in view of Utreja et al., US Patent No. 4,850,275. The Examiner’s rejection is respectfully traversed.

As described above, independent claim 1 has been placed in condition for allowance by the inclusion therein of the limitations of claims 2 and 3. It follows that claim 9, that depends therefrom, also is allowable.

§ 103(a) Rejections - Fisher ‘612 as modified by Rosenau, Jr., ‘575 and further in

view of Crowther et al. ‘938

The Examiner has rejected claim 14 under § 103(a) as being unpatentable over Fisher ‘612 as modified by Rosenau, Jr., et al. ‘575 and further in view of Crowther et al., US Patent No. 6,180,938. The Examiner’s rejection is respectfully traversed.

As described above, independent claim 1 has been placed in condition for allowance by the inclusion therein of the limitations of claims 2 and 3. It follows that claim 14, that depends therefrom, also is allowable.

Double Patenting Rejections

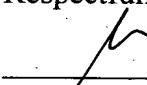
The Examiner has rejected claims 1-3, 9, 10 and 38 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 4-6 of commonly owned co-pending US Patent Application No. 10/736,508. The Examiner's rejection is respectfully traversed.

Claim 2 has been canceled, thereby rendering moot the Examiner's rejection of this claim.

Attached please find a terminal disclaimer that disclaims the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer, of any patent granted on co-pending US 10/736,508.

In view of the above amendments and remarks it is respectfully submitted that independent claim 1, and hence dependent claims 4-11, 13, 14 and 38 are in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,



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